

PT 95-47
Tax Type: PROPERTY TAX
Issue: Religious Ownership/Use

STATE OF ILLINOIS
DEPARTMENT OF REVENUE
OFFICE OF ADMINISTRATIVE HEARINGS
SPRINGFIELD, ILLINOIS

CALVARY MISSIONARY BAPTIST) Docket No.(s) 94-82-294
CHURCH)
Applicant) PI No. 02-32.0-320-011
) (St. Clair County)
v.)
)
THE DEPARTMENT OF REVENUE) George H. Nafziger
OF THE STATE OF ILLINOIS) Administrative Law Judge

RECOMMENDATION FOR DISPOSITION

APPEARANCES: Attorney Pearson C. J. Bush appeared on behalf of the Calvary Missionary Baptist Church.

SYNOPSIS: The hearing in this matter was held at 1100 Eastport Plaza Drive, Collinsville, Illinois, on May 4, 1995, to determine whether or not St. Clair County parcel No. 02-32.0-320-011 should be exempt from real estate tax for the 1994 assessment year.

Is the Calvary Missionary Baptist Church (hereinafter referred to as the "Applicant"), a religious organization? Did the Applicant own this parcel during all of the 1994 assessment year? Did the Applicant use this parcel and the storage shed located thereon, for religious, or exempt purposes, during 1994? Following the submission of all of the evidence and a review of the record, it is determined that the Applicant is a religious organization. It is also determined that the Applicant owned the parcel here in issue and the storage shed located thereon, during all of the 1994 assessment year. Finally, it is determined that this parcel and the storage shed located thereon, were used for religious and exempt purposes during the 1994 assessment year.

FINDINGS OF FACT: The position of the Illinois Department of Revenue

(hereinafter referred to as the "Department"), in this matter, namely that the storage shed and the land on which it stands, was approved for exemption, and the remainder of the parcel did not qualify for exemption during the 1994 assessment year, was established by the admission in evidence of Department's Exhibits numbered 1 through 6A.

Rev. Phoenix Barnes, Jr., the associate minister of the Applicant and a trustee board member, and Mr. Charles Stallings, chairman of the trustee board of the Applicant, were present at the hearing, and testified on behalf of the Applicant.

On September 29, 1994, the St. Clair County Board of Review forwarded an Application for Property Tax Exemption To Board of Review, concerning the parcel here in issue for the 1994 assessment year, to the Department (Dept. Ex. No. 2). On March 16, 1995, the Department notified the Applicant that it was approving the exemption of the storage shed and the land on which it is located, and denying the exemption of the remainder of this parcel (Dept. Ex. No. 3). On March 31, 1995, Rev. Phoenix Barnes, Jr. wrote a letter requesting a formal hearing in this matter (Dept. Ex. No. 4). The hearing held on May 4, 1995, was held pursuant to that request.

The Applicant acquired the parcel here in issue by a warranty deed, dated April 29, 1981.

The Applicant is a church which, during 1994, had approximately 300 members, and an average attendance at Sunday morning worship services of approximately 150. During 1994, the Applicant held worship services at 11 A.M. on Sunday mornings, and prayer services at 7:00 P.M. on Wednesday evenings in its sanctuary building, which is located on St. Clair County parcel No. 02-32.0-320-004, which adjoins the parcel here in issue. I take Administrative Notice of the fact that on March 18, 1993, the Department issued an exemption certificate in Docket No. 92-82-528, exempting St. Clair County parcel No. 02-32.0-320-004. Parcel No. 02-32.0-320-004 is the

parcel where the Applicant's sanctuary building is located. That parcel also contains a parking lot, which will accommodate 13 or 14 cars.

The storage shed on the parcel here in issue, during 1994, was used to house the Applicant's yard maintenance equipment, as well as some old pews and some donated lumber and bricks, and other church-owned items. The area of the parcel here in issue directly south of the church sanctuary along Mousette Lane, was used for parking by the members of the Applicant at least three times a week during 1994. During 1994, the area of this parcel south of the regular parking area along Mousette Lane, was used for overflow parking, at least quarterly. Applicant is a member of a group of four independent churches, which comprise a district. The district meets regularly at each of the four churches, and when the meetings are held at the Applicant's church, the overflow parking area is used. That overflow parking area was also used during 1994, by the members of Applicant, for parking for Easter and Christmas services, as well as the pastor's anniversary, and the church anniversary, and on other occasions when there were large crowds at the church. West of the parking area and overflow parking area to the rear of this parcel is an area used during 1994, for church outdoor functions, including the annual fellowship picnic, as well as rummage sales, and various youth activities.

1. Based on the foregoing, I find that the Applicant is a religious organization.

2. I also find that the Applicant owned this parcel during all of the 1994 assessment year.

3. I further find that the Applicant used all of this parcel during 1994, for parking and church functions.

4. Finally, I find that the Applicant used the storage shed on this parcel for the storage of the Applicant's lawn maintenance equipment, and the storage of other church property.

CONCLUSIONS OF LAW: Article IX, Section 6, of the Illinois Constitution of 1970, provides in part as follows:

"The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes."

35 ILCS 200/15-40 exempts certain property from taxation in part as follows:

"All property used exclusively for religious purposes, or used exclusively for school and religious purposes...and not leased or otherwise used with a view to profit, is exempt,...."

35 ILCS 200/15-125 exempts certain property from taxation in part as follows:

"Parking areas, not leased or used for profit, when used as a part of a use for which an exemption is provided...and owned by any...religious...institution which meets the qualifications for exemption, are exempt."

In view of the foregoing, I conclude that the Applicant, a religious organization, owned the parcel here in issue during the entire 1994 assessment year, and used said parcel and the building thereon, during said year for storage, religious purposes, or parking.

I therefore recommend that St. Clair County parcel No. 02-32.0-320-011 be exempt from real estate tax for the 1994 assessment year.

Respectfully Submitted,

George H. Nafziger
Administrative Law Judge

May , 1995